

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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LUDMYLA SKORYCHENKO,

Plaintiff,

ORDER

v.

08-cv-626-slc

ERNEST F. TOMPKINS,

Defendant.

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In this case plaintiff Ludmyla Skorychenko was allowed to proceed *in forma pauperis* on her claim to enforce an affidavit of support against a sponsor under the Immigration and Naturalization Act, 8 U.S.C. § 1183a(a), (e). Now plaintiff has filed a request for the Clerk of Court to sign and seal a subpoena. The subpoena is directed to Catholic Charities-LaCrosse Diocese Agency and requests production of a document confirming that on January 4, 2005, the defendant, Ernest F. Tompkins, notarized affidavit of support (Form I-864). Because plaintiff's subpoena appears to be directed at obtaining from a non-party evidence relating to proving her case, I will direct the clerk of court to issue the subpoena plaintiff submitted to the court.

Plaintiff should be aware that no person from whom the documents are sought need appear at the production and that she will need to pay the costs of copying the documents produced, even if she is proceeding in forma pauperis. If plaintiff does not demand a person's attendance, no witness and mileage fees need accompany the subpoena. Fed. R. Civ. P. 45(a)(1)(C), 45(b)(1) and 45(c)(2)(A). However, if plaintiff demands a person's attendance, he will need to tender to that person with the subpoena a check or money order

in an amount sufficient to cover a daily witness fee at the rate of \$143.00 and round trip mileage at the rate of \$.585 per mile.

ORDER

IT IS ORDERED that the clerk of court sign and seal the subpoena that plaintiff has submitted and return it to her.

Entered this 8<sup>th</sup> day of December, 2008.

BY THE COURT:

/s/

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STEPHEN L. CROCKER  
Magistrate Judge